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Sent: Saturday, October 22, 2005 4:31 PM  
To: ATR-Real Estate Workshop  
Subject:

The MLS has always been a public utility

Realtor Boards maintain that the MLS is the broker-owned cooperative for the sharing of information and compensation with each other.

But there would be no data to share without the existence of the seller's real estate, an asset belonging to him. The data is not the intellectual property of the seller's agent/broker. The 'listing' contract constitutes only permission for the broker to be a functionary, performing only as the contract specifies. The compensation that the seller offers to cooperating brokers is not the selling broker's personal asset either, to freely exchange with others. The seller directs how the compensation that he offers to all brokers will be distributed.

The Realtor Association owns, or owns the right to lease the MLS software. Buyers and sellers strongly desire to utilize the MLS software to make offers to one another and are willing to pay for access, through a broker or not. Without brokers, there could still be an MLS. Without consumers, there could not. The MLS is, and really always has been, a public utility.

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